

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **NOMURA, Fumio, et al.**

Group Art Unit: 1641

Serial No.: 10/538,916

Examiner: **FOSTER, Christine E.**

Filed: **June 13, 2005**

P.T.O. Confirmation No.: 8854

For: **MARKER PROTEINS FOR DIAGNOSING LIVER DISEASE AND METHOD OF
DIAGNOSING LIVER DISEASE USING THE SAME**

RESPONSE TO THE RESTRICTION REQUIREMENT
DATED September 24, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: October 11, 2007

Sir:

This paper is submitted in response to the Official Action dated **September 24, 2007**.

In the Action, restriction is required between Group (I), Claims 1-3, 5-6, and 17-18; Group (II), Claims 7-16; and Group (III), Claims 19-21.

Applicant hereby elects the subject matter of Group (I), that is, claims 1-3, 5-6, and 17-18, for prosecution in this application.

The Office action also requires an election of species if Group (I) is elected, between "Marker protein (a)" and "Marker protein (b)." Applicant hereby elects "Marker protein species (a)," that is, SEQ ID NO: 1. Applicant respectfully submits that claims 1, 2, 5, 6 and 17 read on this election.

These elections are made without traverse, it being understood that the Applicant's rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

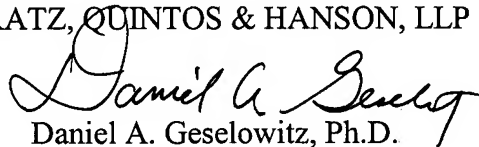
Application Serial No.: **10/538,916**
Response to Restriction Requirement

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Daniel A. Geselowitz, Ph.D.

Agent for Applicant

Reg. No. 42,573

DAG/xl

Atty. Docket No. **050337**
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930



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PATENT TRADEMARK OFFICE